

# **M. Premo-Hopkins Decl.**

## **Exhibit 16**

**From:** [Premo-Hopkins, Mark W.](#)  
**To:** [Roopal Luhana](#)  
**Cc:** [Sarah London](#); [Rachel Abrams](#); [Vartain, Laura](#); [Larsen, Beth](#); [Fournier, Kristen](#); [Vives, Michael](#); [Andrew Kaufman](#); [Steven Cohn](#); [Roopal Luhana](#)  
**Subject:** Re: Uber MDL - Protective Order Meet-and-Confer Follow-Up  
**Date:** Wednesday, August 13, 2025 9:25:57 PM

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Counsel -

To be clear: we have said that we need every plaintiffs firm to certify to the facts requested below.

Separate from your email, we have heard unequivocally from multiple other attorneys who represent plaintiffs in the MDL that they will not be providing any further information.

Given what we know, we need to file our motion.

**Mark Premo-Hopkins, P.C.**

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On Aug 13, 2025, at 8:27 PM, Premo-Hopkins, Mark W. <[mark.premohopkins@kirkland.com](mailto:mark.premohopkins@kirkland.com)> wrote:

Lead counsel for the MDL have suggested that motion practice is not necessary and that they will modify the language proposed by Uber, but to date they have not provided the certification responsive to Uber's request, nor have you indicated we will receive certifications for anyone else.

**Mark Premo-Hopkins, P.C.**

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On Aug 13, 2025, at 7:43 PM, Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)> wrote:

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Be cautious, particularly with links and attachments.

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Be cautious, particularly with links and attachments.

<!--[endif]-->

Thank you Mark. What you raise below was already included in your August 1 letter but I was looking to see if there was anything further.

We don't believe motion practice is necessary and are happy to work with you to investigate this issue further and provide you with appropriate representations after such investigation. We're modifying the language slightly and will circulate our proposal shortly.

Best,  
Roopal

**Roopal Luhana | Partner**

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**Mailing Address:**

Chaffin Luhana LLP 600 Third Ave., 12th Flr. New York, NY 10016

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**From:** Premo-Hopkins, Mark W. <mark.premohopkins@kirkland.com>  
**Sent:** Wednesday, August 13, 2025 10:00 AM  
**To:** Roopal Luhana <Luhana@chaffinluhana.com>  
**Cc:** Sarah London <slondon@girardsharp.com>; Rachel Abrams <rabraams@peifferwolf.com>; Vartain, Laura <laura.vartain@kirkland.com>; Larsen, Beth <beth.larsen@kirkland.com>; Fournier, Kristen <kristen.fournier@kirkland.com>; Vives, Michael <michael.vives@kirkland.com>  
**Subject:** RE: Uber MDL - Protective Order Meet-and-Confer Follow-Up

Counsel –

A large number of the (non-public, confidential) documents quoted by the reporter in the email and the article match *directly and precisely* to confidential information from Plaintiffs' JCCP sealed summary judgment opposition briefing, as the article itself concedes by acknowledging the "use of sealed court records." In addition, however, there are also many examples from the New York Times' email and the article involving Protected Material from deposition testimony or documents produced in discovery that were not filed as part of the JCCP summary judgment opposition filing. One example relates to the reporter's questions about a July 10, 2024 incident involving a minor. Although aspects of this incident have been reported publicly, the reporter included details about Uber's internal investigation of the incident, which details are only available in confidential documents subject to the Protective Order, notably, from Exhibit 1731 marked for the first time by MDL counsel taking the July 23, 2025 deposition of Hannah Nilles (seven days before

the *Times* email).

In sum, the specific topics and themes described by the reporter are strikingly similar to the topics and themes emphasized by Plaintiffs' counsel, in both the MDL and JCCP litigation as well as in depositions occurring over the past sixty days with Uber corporate representatives (and previous depositions).

**Mark Premo-Hopkins, P.C.**

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**From:** Roopal Luhana <Luhana@chaffinluhana.com>  
**Sent:** Tuesday, August 12, 2025 4:52 PM  
**To:** Premo-Hopkins, Mark W. <mark.premohopkins@kirkland.com>  
**Cc:** Sarah London <slondon@girardsharp.com>; Rachel Abrams <rabrabs@peifferwolf.com>; Vartain, Laura <laura.vartain@kirkland.com>; Larsen, Beth <beth.larsen@kirkland.com>; Fournier, Kristen <kristen.fournier@kirkland.com>; Vives, Michael <michael.vives@kirkland.com>; Roopal Luhana <Luhana@chaffinluhana.com>  
**Subject:** Re: Uber MDL - Protective Order Meet-and-Confer Follow-Up

Counsel, we are in receipt of your email but need to discuss with our side and will let you know if there's any dispute by COB Wednesday. Additionally, you had seemed to indicate on our call that there was some evidence you had that a PSC member may potentially be the source of the NYT leak and were going to provide that information. Can you please do so by end of today? Thank you.

Best,  
Roopal

**Roopal Luhana | Partner**  
**E:** [Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)  
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[<image005.png>](#)

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Best,  
Roopal

On Aug 11, 2025, at 4:07 PM, Premo-Hopkins, Mark W.

[<mark.premohopkins@kirkland.com>](mailto:<mark.premohopkins@kirkland.com>) wrote:

Counsel –

Thank you for taking the time to discuss this issue with us further on our phone call yesterday afternoon. As explained on the phone, we have received from the New York Times confirmation that File and Serve was not the source of the sealed documents referenced in the August 6, 2025 story. Uber also is conducting its own investigation.

In order to avoid motion practice on this issue, Uber requests each of the plaintiffs' firms that had access to the relevant documents (not just the steering committee) conduct the following investigation and certify the following facts.

Please confirm by 5PM eastern time on Tuesday, August 12, whether there is any dispute.

\*\*\*\*\*INVESTIGATION FACTS TO BE  
CERTIFIED\*\*\*\*\*

1. I contacted each employee, contractor, consultant or agent (including expert witnesses) working with [INSERT FIRM NAME HERE], as well as any client who, based on a reasonable investigation, may have

had access to the compilation of sealed documents/exhibits (or a significant subset thereof) submitted in connection with Plaintiffs' summary judgment opposition in the JCCP.

2. Each of the individuals identified in paragraph 1 confirmed to me that they had not shared or in any way provided access, directly or indirectly, to any of the documents referenced in the Article to the New York Times or its agents, either directly or indirectly.  
OR
3. The investigation described in paragraph 1 revealed information concerning the source of this unauthorized disclosure to the New York Times and then describe the circumstances of such disclosure.

**Mark Premo-Hopkins, P.C.**

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